

PROB 12C
Rev SD/IN 1/7/2021

United States Courts
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

September 12, 2023

for

Nathan Ochsner, Clerk of Court

Southern District Of Indiana

4:23-mj-1848

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kenneth Kipp

Docket Number: 1:13CR00217-001

Name of Sentencing Judicial Officer: Honorable Jane E. Magnus-Stinson, U.S. District Court Judge

Date of Original Sentence: 03/18/2014

Original Offense:

Possession of Child Pornography

Original Sentence: Prison 36M, TSR 120M; Revoked 3/9/22: Prison 2M, TSR 60M

Type of Supervision: TSR

Date Supervision Commenced: 05/08/2022

Assistant U.S. Attorney: Adam Eakman

Defense Attorney: To be retained or appointed

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons
☐ To issue an order setting this matter for a hearing

Last Known Address: 7633 Stockard Street
Indianapolis, IN 46239

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1.	"You shall not commit another federal, state, or local crime." On April 19, 2023, a Criminal Indictment was filed under docket number 4:23-CR-00177, in the Southern District of Texas, charging Mr. Kipp with Count 1: Conspiracy to Receive and Distribute Child Pornography, Count II: Conspiracy to Advertise Child Pornography, and Count III: Penalties for Registered Sex Offenders. The Indictment notes Count One (1)

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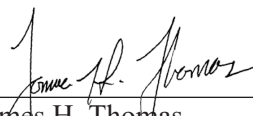
Violation Number	Nature of Noncompliance
	<p>occurred on or about December 31, 2017, through at least on or about April 16, 2023; Count Two (2) occurred on or about August 14, 2018, through at least on or about April 16, 2023; and Count Three (3) occurred on or about January 2, 2020, through at least on or about March 14, 2020.</p> <p>The Indictment alleges Mr. Kipp conspired with others to receive and distribute child pornography through interstate and foreign commerce. Furthermore, it is alleged he conspired with others to produce advertisements seeking and offering to receive child pornography material. On August 15, 2023, Mr. Kipp was arrested and remains in custody as of this writing.</p>

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for _____ years, for a total term of _____ years.
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/16/2023



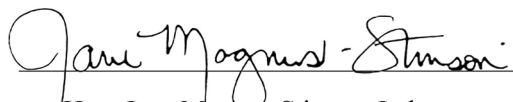
James H. Thomas
Senior U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons to be served by the United States Marshal Service.
- ☐ The issuance of an order setting a violation hearing.
- ☐ Other

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Date: 8/17/2023


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Revocation Parameters Worksheet

Offender's Name: Kenneth Kipp

Docket Number: 1:13CR00217-001

Statutory Maximum Imprisonment [18 U.S.C. §3583(e)(3)]	Guideline Range	Supervised Release to be Imposed/Reimposed*
<u>2</u> Years	<u>12</u> to <u>18</u> Months (Grade <u>A</u> and level <u>I</u>)	<u>Up to Life</u>

*Pursuant to U.S.S.G. § 7B1.3(g)(2), the length of supervised release shall not exceed the term authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervision. 18 U.S.C. § 3583(h)

☐ Revocation of supervision is statutorily required

In addition to the mandatory conditions of supervision, the Court may consider the following conditions be imposed:

1. You shall report to the probation office in the federal judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home, or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the federal judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement

Revocation Parameters Worksheet (continued)

officer.

10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.

11. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

12. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

13. You shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Justification: Conditions 1-13 are considered administrative in nature and will enable the probation officer to effectively supervise the offender in the community.

14. You shall participate in a program of treatment for sexual disorders, including periodic polygraph examinations, as directed by the probation officer. The treatment provider should determine the type and timing of such polygraph examinations. The court authorizes the release of the presentence report and available psychological evaluations to the treatment provider, as approved by the probation officer. Justification: Treatment will offer a level of peer support and accountability to the offender.

Justification: Given the offender's conviction for possession of child pornography, as well as his impulse control issues while on supervised release, this condition will assist in rehabilitation and accountability.

15. You shall register as a sex offender with the appropriate authorities of any state in which you reside, are employed, or attend school.

Justification: The offender is required by State and Federal law to register as a sex offender.

16. You shall not possess any child pornography or visual depictions of child erotica or nude minors. Any such material found in your possession shall be considered contraband and will be confiscated by the probation officer.

Justification: The offender has a history of possessing child pornography and erotica. This condition is necessary to protect the community.

17. You shall not have unsupervised meetings, activities, or visits, or intentional communications with any minor unless they have been disclosed to the probation officer and approved by the court. You shall not have supervised meetings, activities, visits, or intentional communications with any minor unless they have been approved by the probation officer. Before you may request approval for such meetings, activities, visits, or intentional communications (unsupervised or supervised), you must notify the person(s) having custody of any such minor(s) about the conviction in this case and the fact that you are under supervision.

Justification: Given the offender's history of child pornography and his lack of impulse control while on supervision, this condition is necessary to protect against the victimization of children and the community.

18. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be

Revocation Parameters Worksheet (continued)

underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.

Justification: Given the offender's conviction for possession of child pornography, as well as his impulse control issues while on supervised release with regard to possession of unauthorized devices, this condition is necessary to hold him accountable for his actions, as well as to provide a protective measure to the community.

19. You shall consent, at the direction of the probation officer, to having installed on your computer(s), telephone(s), electronic devices, and any hardware or software, systems to monitor your use of these items. Monitoring will occur on a random and/or regular basis. You will warn other occupants or users of the existence of the monitoring hardware or software. To promote the effectiveness of this monitoring, you shall disclose in advance all cellular phones, electronic devices, computers, and any hardware or software to the probation officer and may not access or use any undisclosed equipment.

Justification: The offender has a history of possessing unauthorized devices to contact other persons. Given his conviction in the instant offense, as well as his violation activities while on supervised release, this condition will protect the online community from his predatory activities, as well as provide accountability for his actions.